

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Starla Robinson,

Plaintiff,

vs.

Andrew Saul, Commissioner
of Social Security,

Defendant.

Civil Action No. 0:20-1860-RMG

ORDER

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation ("R & R") on May 25, 2021, recommending that the decision of the Commissioner be reversed and remanded to the agency because the Administrative Law Judge's evaluation of the opinions of the Plaintiff's treating psychiatrist, Dr. Burbage, was not supported by substantial evidence. (Dkt. No. 17 at 3-8). The Magistrate Judge, citing to the regulations effective for claims filed after March 27, 2017, 20 C.F.R. § 404.1520c, concluded that the ALJ's evaluation cherry picked the evidence, failed to consider and reconcile contrary evidence, and unreasonably relied on an isolated entry in the record of a non-specialist physician on a single visit to discount the opinions of Plaintiff's long serving specialist physician. *Id.*

The Commissioner has advised the Court that he does not intend to file objections to the R & R.
(Dkt. No. 18).

The Court **ADOPTS** the Report and Recommendation as the order of this Court,
REVERSES the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g),
and **REMANDS** the matter to the Commissioner for further proceedings consistent with this
order.

AND IT IS SO ORDERED.

S/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

Charleston, South Carolina
June 4 , 2021